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## **South Florida Water Management District**

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### **MINUTES GOVERNING BOARD WORKSHOP**

July 9, 2008

1:00 PM

District Headquarters - B-1 Auditorium  
3301 Gun Club Road  
West Palm Beach, FL 33406

**Members Present:**

**Eric Buermann, Chair**

**Michael Collins**

**Charles Dauray**

**Shannon Estenoz**

**Melissa Meeker**

**Patrick Rooney**

**Members Absent:**

**Paul C. Huck Jr.**

**Jerry Montgomery**

**1. Call to Order** - Eric Buermann, Chairman, Governing Board

Chair Buermann called the meeting to order at 1:05 pm.

**2. Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board

Patrick Rooney led the group in the Pledge of Allegiance.

**3. Approval of Minutes**

Approval of the June 11, 2008, Workshop Minutes and the June 12, 2008, Regular Business Meeting Minutes held in Fort Myers, Florida.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 3

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Melissa Meeker, Patrick Rooney. Motion passed.

**4. Agenda Addendum** - Annette Carter, Director, Office of the Governing Board and Executive Services

Annette Carter, Director, Office of Governing Board and Executive Services, read into the record the agenda addendum. Copies were made available to the public.

**5. Abstentions by Board Members from items on the Workshop Agenda**

There were no abstentions by Board members.

**6. Pull Items for Discussion from Consent Agenda**

Ms. Meeker pulled Regulatory Consent Agenda Item 10, Page 12, #1, Application No 070402-3; Key West International Airport Runway Safety Area.

**Water Resources**

**8. Miami-Dade County Consumptive Use Permit Compliance - Chip Merriam, Deputy Executive Director, Water Resources**

Chip Merriam, Deputy Executive Director, Water Resources presented preliminary information on the Miami-Dade County Consumptive Use Permit.

John Renfrow, Director, Miami-Dade Water & Sewer Department, reported on alternative water supplies and water restrictions in Miami-Dade County. He reported on reuse in North Miami-Dade and the elimination of ocean outfall. He also reported on the water quality of the aquifer.

Mr. Merriam reported on ocean outfall discharges and reuse in Miami-Dade County.

Mr. Collins provided comment on good faith efforts between Miami-Dade and the District.

Ms. Estenoz requested Miami-Dade coordinate efforts with the Broward County Task Force regarding ocean outfall issues.

Ms. Meeker commented on the Comp Plan amendments.

Mr. Merriam provided additional information on the Comp Plan amendments.

Chair Buermann asked about the calibrated metering in Miami-Dade.

Mr. Renfrow said Miami-Dade has completed the calibrated metering.

Mr. Merriam provided information on the treatment process.

Mr. Renfrow said they still need to refine the treatment process issues and will provide additional information to the Board in six months.

Chair Buermann commented on reuse in North Miami-Dade.

Mr. Renfrow commented on the resistance for funding of reuse by the municipality and/or customer.

Mr. Merriam commented on alternative water supplies for North Miami-Dade County and the customers using the Floridan as the alternative.

Ms. Estenoz commented on ocean outfall legislation, reuse, and water quality in Biscayne Bay.

Public Comment: Kahlil Kettering, National Park Conservation Association, commented on the reuse pilot project for Biscayne Bay.

**9. Update on the 2008 Report to the Governor and Legislature on Status of Everglades Protection Area Long Term Plan to Achieve Water Quality Goals - Tracey Piccone, Chief Engineer, STA Management Division, Watershed Management Department**

Tracey Piccone, Chief Engineer, STA Management Division, provided background information on the Long-Term Plan:

- States blueprint for achieving 10 parts per billion (ppb) phosphorus in Everglades.
- Identified in the 2003 EFA and the Everglades phosphorus rule as Best Available Phosphorus Reduction Technology.
- Success is predicated upon adaptive implementation.
- Revision process includes public involvement component with WRAC and Governing Board meetings.
- Only Florida Department of Environmental Protection (FDEP) can approve Long-Term Plan revisions.
- Includes Stormwater Treatment Area (STA) enhancements, monitoring, research, source controls, and accelerated recovery projects.
- Current cost of Long-Term Plan is over \$1 billion dollars.
- Addresses discharges to the Everglades Protection Area from seven Everglades Construction Project(ECP) Basins and six Non-ECP Basins.

Ms. Piccone reported on the 2008 schedule for this report.

Mr. Rooney asked about the achieving the 10 ppb phosphorus criterion.

Mr. Merriam provided comment on achieving the criteria, the rulemaking process and technologies for the removal of phosphorus.

Ms. Estenoz asked about the biological process for lowering nutrient levels.

Ms. Wehle commented on biological technology and the challenges due to the large volume of water.

Mr. Collins provided comment on the standards for nutrient levels and the legal commitments for water quality levels.

Mr. Merriam said they will workshop this item to discuss these issues.

**10. Everglades Restoration Update - Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration Resources**

Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration Resources, presented an update on C-111 Spreader Canal Project.

Ms. Estenoz commented on flood protection and trying to maximize ecological benefits.

Kim Taplin, USACE, commented on the National Environmental Policy Action (NEPA) analysis in the Project Implementation Report (PIR) process.

Public Comment: Sara Fain, National Parks Conservation Association, thanked the Board and staff for the stakeholder workshop and said NPCA is committed to this project because of the benefits to Florida Bay.

Public Comment: John A. Marshall, Arthur Marshall Foundation, commented on water conservation and a name change for the District.

Public Comment: Rock Salt, US Department of the Interior, commented that the Deputy Secretary still shares the strategic goals of quality, quantity, timing and distribution for Everglades restoration and looks forward to working with staff in order to prioritize the projects.

Public Comment: Jacquie Weisblum, Audubon, supports the C-111 Spreader Canal project for the recovery of Florida Bay.

**11. ERP Wetland Criteria** - Robert M. Brown, Director, Environmental Resource Regulation and Anita Bain, Division Director, Environmental Permitting Division, Environmental Resource Regulation

Robert M. Brown, Director, Environmental Resource Regulation, presented information on the Environmental Resource Permit (ERP) Environmental Criteria. Mr. Brown reported on Chapter 373 F.S., and Rule 40E-4 F.A.C., which:

- Sets forth requirements for various types of environmental permits.
- Incorporates by reference the "Basis of Review" for Environmental Resource Permit Applications.

Mr. Brown stated the Basis of Review is comprised of four primary sections:

- Water Quality Criteria
- Water Quantity Criteria
- Water Management System Design and Construction Criteria
- Environmental Criteria

Mr. Brown explained the process for Elimination or Reduction of Impacts for Environmental Review Process.

Ms. Estenoz commented on wetlands, financial evaluation, and the public-interest test.

Mr. Collins commented on the balance of public interest and the ERP criteria.

There was additional Board discussion on the balance of public interest, the ERP criteria and the intent of the ERP rule.

Anita Bain, Division Director, Environmental Permitting Division, presented information on the Uniform Mitigation Assessment Method (UMAM). Ms. Bain provided a history of the mitigation process, the uses for UMAM and the staff process for UMAM scoring.

There was Board discussion on the value of wetlands with invasive plants (Melaleuca, Brazilian Pepper and Australian Pine).

Ms. Meeker provided comment on mitigation and supporting unique habitats.

Public Comment: Rosa Durando, Audubon Society, commented on melaleuca in wetlands and the decline of the Snail Kite.

Public Comment: Sara Fain, National Parks Conservation Association, commented on the devaluing of melaleuca-infested wetlands.

Public Comment: Jacquie Weisblum, Audubon of Florida, commented on functional wetland loss and the UMAM process.

### **Executive Office**

12. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, Ext. 6976)

### **Action Items (if any) Stemming from Closed Sessions**

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, Ext. 6976)

This item was postponed until July 10.

- 13.** *Closed Door Agenda - Executive Office*  
Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, Ext. 6976)

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This item was postponed until July 10.

- 14.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

**Action Items (if any) Stemming from Closed Sessions**

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This item was postponed until July 10.

- 15. Adjourn**

Chair Buermann adjourned the meeting at 3:55 pm.

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Eric Buermann  
Governing Board Chairman  
South Florida Water Management District Governing Board

Recorded By:

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Cathy Widness  
Administrative Assistant Senior  
Governing Board and Executive Services  
SFWMD